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December 9, 2019

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
United States District Court
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: Town & Country Linen Corp., et al. v. Ingenious Designs LLC, et al.,
Civil Action No. 18-cv-5075-LGS – Response regarding Letter Motion for Extension

Dear Judge Schofield:

This firm represents Defendants Ingenious Designs LLC (“IDL”), Joy Mangano, and HSN, Inc. (“HSN”) (collectively, “Defendants”) in the above-referenced action and provide this response in opposition to Plaintiffs Town & Country Linen Corp.’s and Town & Country Holdings, Inc.’s (collectively “Plaintiffs”) letter motion for an extension of time (Dkt. No. 113).

Defendants were very surprised and honestly confused when Plaintiffs filed the motion for yet another extension of time to continue all case deadlines. As documented in Plaintiffs’ letter, the discovery deadlines have been repeatedly extended in this case. Defendants have undertaken tremendous efforts to satisfy Plaintiffs’ extraordinary discovery requests in this case. As of today, Defendants believed that all discovery disputes are resolved and all that remains is for Defendants to produce a few remaining files identified at a deposition that occurred five days ago on December 4, 2019. Defendants expect the production of these remaining files (a sales file, a video, and a handful of additional technical specifications) to occur by Tuesday, December 10, 2019.

Plaintiffs’ motion states “Parties have however discussed the need for such an extension for the below-described reasons where Defendants did not express disagreement.” That is not accurate. Defendants’ counsel failed to meet and confer with Plaintiffs’ counsel regarding this motion. In fact, the first time Defendants’ counsel learned of Plaintiffs’ desire to once again extend all case deadlines was merely two and half hours before Plaintiffs filed their motion. Defendants’ counsel was in client meetings and a deposition and could not immediately respond to Plaintiffs’ email or calls.

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It is unclear to Defendants what issues remain that justify yet another extension. The vast majority of the documents identified at last week's depositions were produced on Friday, December 6, 2019. As noted above, Defendants expect to produce the remaining files on Tuesday, December 10, 2019.

With regard to future product inspections, Defendants believe experts can inspect products at issue in this case throughout expert discovery. If Plaintiffs' concern is inspections by counsel, then Defendants are happy to agree, and think the parties should agree, that counsel and experts can inspect products at issue in this case throughout expert discovery and up until trial.

With the items above resolved, Defendants do not believe that any discovery disputes remain that justify an extension. Plaintiffs have failed to identify any specific concerns about outstanding discovery. Discovery in this action must finally end. A general extension of all case deadlines is not warranted. Therefore, Defendants respectfully request that Plaintiffs' motion be denied.

We appreciate Your Honor's consideration of this response to Plaintiffs' motion for extension. Defendants are available at the Court's convenience should Your Honor wish to discuss Plaintiffs' motion in greater detail.

Respectfully submitted,



Kevin W. Kirsch

cc: Counsel of Record (via ECF)